

ATTORNEY'S DOCKET NO: 26230

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 19 August 2004 (19.08.2004)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLN. NO. (if known) Not Yet Assigned 10/505138
INTERNATIONAL APPLICATION NO.: PCT/EP03/01650	INTERNATIONAL FILING DATE: 19 February 2003 (19.02.2003)	PRIORITY DATE CLAIMED: 20 February 2002 (20.02.2002) EP 20 February 2002 (20.02.2002) DE
TITLE OF INVENTION: ORAL DOSAGE FORM CONTAINING A PDE 4 INHIBITOR AS AN ACTIVE INGREDIENT AND POLYVINYLPIRROLIDON AS EXCIPIENT		
APPLICANT(S) FOR DO/EO/US: DIETRICH, Rango; NEY, Hartmut; EISTETTER, Klaus		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.		
3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.		
4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):		
a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)		
6. <input type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input checked="" type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) as provided in the PCT Request.		
10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
<b>ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</b>		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.		
14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A change of power of attorney and/or address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825		
18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)		
20. <input checked="" type="checkbox"/> Other items or information:		
APPLICATION DATA SHEET; TRANSMITTAL FORM; FEE CALCULATION; INTERNATIONAL PUBLICATION WO 03/070279 A1 WITH INTERNATIONAL PUBLICATION DATE OF 28 August 2003 WITH SEARCH REPORT WHICH CONSISTS OF 25 PAGES INCLUDING 1 COVER SHEET CONTAINING THE ABSTRACT; 22 PAGES TEXTUAL SPECIFICATION, 2 PAGES OF 11 CLAIMS, 1 SHEET OF DRAWINGS; PRELIMINARY AMENDMENT WITH APPENDIX A & B TO BE EXAMINED; PCT REQUEST INVENTORS' SIGNATURES; EXECUTED INVENTOR'S DECLARATION, EXECUTED ASSIGNMENT WITH RECORDATION COVER SHEET; PCT/IPEA/409 INTERNATIONAL PRELIMINARY EXAMINATION REPORT; PCT/IB/308 NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES; PCT/IB/304 TRANSMITTAL OF PRIORITY DOCUMENT; PCT/IB/332 INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION.		

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U.S. APPLICATION NO. (if known) not yet assigned <b>10/505138</b>	INTERNATIONAL APPLICATION NO.  PCT/EP03/01650	DATE; 19 August 2004 (19.08.2004)
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17. <u>x</u> The following fees are submitted:  <b>Basic National Fee (37 CFR 1.492(a)(1)-(5):</b> Search Report has been prepared by the EPO or JPO:.....\$920.00  International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$730.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$770.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1080.00  International preliminary examination fee (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) IPEA-U.S.....\$ 100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<u>CALCULATIONS</u>  \$ 920.00          <b>\$ 920.00</b>	<u>PTO USE ONLY</u>
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Surcharge of \$130.00 for furnishing the oath or declaration later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$	
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CLAIMS	NO. FILED	NO. EXTRA	RATE		
TOTAL	16 - 20 =	0	X \$ 18.00	\$	.00
INDEPENDENT	1 - 3 =	0	X \$ 84.00	\$	.00
Multiple dependent claims(s) (if applicable)			+ \$280.00	\$	0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	920.00
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$	0.00
<b>SUBTOTAL =</b>				\$	920.00
Processing fee of \$130.00 for furnishing the English translation later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	0.00
<b>TOTAL NATIONAL FEE =</b>				\$	920.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 per property +</b>				\$	40.00
<b>TOTAL FEES ENCLOSED =</b>				\$	960.00
				Amount to be:	
				refunded	\$
				charged	\$

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a. ☒ Two checks in the amount of \$ 960.00 to cover the above fees are enclosed.

b. ☐ Please charge my Deposit Account No. 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.

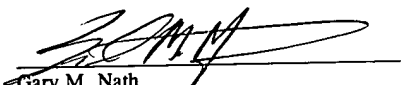
d. Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form. ☐ Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

*Gary M. Nath*  
~~Todd L. Duneau~~  
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 Gary M. Nath  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
DIETRICH et al.

**DT02 Rec'd PCT/PTO** 19 AUG 2004  
**10/505138**

International Application No. PCT/EP03/01650

Serial No. NOT YET ASSIGNED

International Filing Date: 19 February 2003 (19.02.2003)

Filed: August 19, 2004

For: **ORAL DOSAGE FORM CONTAINING A PDE 4 INHIBITOR AS AN ACTIVE  
INGREDIENT AND POLYVINYLPIRROLIDON AS EXCIPIENT**

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

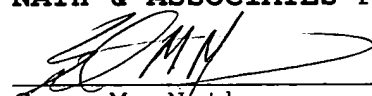
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark  
Office is the following:

- (1) Transmittal Letter;
- (2) Application Data Sheet;
- (3) Transmittal Letter To U.S. Designated/Elected Office  
(DO/EO/US) Concerning Filing under 35 U.S.C. 371
- (4) International Publication No: WO 03/070279 A1; International  
Publication Date: 28 August 2003 (28.08.2003)  
which consists of 26 pages including:
  - 1 cover sheet containing the Abstract,
  - 22 pages Textual Specification,
  - 2 pages of 11 claims,
  - 1 sheets of Drawings;
- (5) **Preliminary Amendment with Appendix A and B to be examined;**
- (6) PCT Request with Inventor's signature;
- (7) Executed Inventor's Declaration;
- (8) Executed Assignment with Recordation Cover Sheet;
- (9) PCT/IPEA/409 International Preliminary Examination Report;
- (10) PCT/IB/308 Notice Informing the Applicant of the  
Communication of the International Application to the  
Designated States;
- (11) PCT/IB/304 Notification Concerning Transmittal of Priority  
Document;
- (12) PCT/IB/332 Information Concerning Elected Offices Notified  
of Their Election;
- (13) Check No. 21590 \$ 920.00 for Government Filing Fee;
- (14) Check No. 21591 \$ 40.00 for recordation fee;
- (15) Postcard for early notification of serial number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

  
Gary M. Nath  
Registration No. 26,965  
Sheldon M. McGee  
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Customer No. 34375

Date: August 19, 2004  
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